

Part 1

General Provisions

58-53-101 Title.

This chapter is known as the "Landscape Architects Licensing Act."

Renumbered and Amended by Chapter 191, 1998 General Session

58-53-102 Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

- (1) "Board" means the Landscape Architects Board created in Section 58-53-201.
- (2) "Fund" means the Landscape Architects Education and Enforcement Fund created in Section 58-53-103.
- (3) "Practice of landscape architecture" means rendering or offering to render any of the following services:
 - (a) production of a site plan which may include the design of any of the following:
 - (i) sprinkler irrigation systems;
 - (ii) landscape grading and drainage plans; or
 - (iii) parking lots;
 - (b) design of any of the following structures incidental to the production of a site plan:
 - (i) retaining walls; or
 - (ii) raised platforms, decks, and walkways;
 - (c) design of any of the following structures incidental to the production of a site plan when the structure does not exceed 1,000 square feet:
 - (i) covered pavilions;
 - (ii) gazebos;
 - (iii) restrooms;
 - (iv) storage and maintenance facilities; or
 - (v) other accessory structures; or
 - (d) collaboration with architects and professional engineers in the design of roads, bridges, buildings, and structures with respect to the functional and aesthetic requirements of the area in which they are to be placed.
- (4) "Principal" means a licensed landscape architect having responsible charge of a landscape architectural practice.
- (5) "Supervision" with respect to the supervision of an employee of a landscape architect, means that a licensed landscape architect is responsible for and personally reviews, corrects when necessary, and approves work performed by any employee under the direction of the landscape architect, and may be further defined by rule of the division in collaboration with the board.
- (6) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-53-501.
- (7) "Unprofessional conduct" is as defined in Section 58-1-501 and as may be further defined by rule of the division in collaboration with the board.

Renumbered and Amended by Chapter 191, 1998 General Session

58-53-103 Education and enforcement fund.

- (1) There is created an expendable special revenue fund known as the "Landscape Architects Education and Enforcement Fund."
- (2) The fund consists of money from:
 - (a) a surcharge placed on application fees for initial, renewal, and reinstatement licensure under this chapter, in an amount established by the division with the collaboration of the board in accordance with Section 63J-1-504, not to exceed 50% of the respective fee; and
 - (b) administrative penalties collected pursuant to this chapter.
- (3) The fund shall earn interest, and all interest earned on fund money shall be deposited into the fund.
- (4) The director may, with concurrence of the board, make distributions from the fund for the following purposes:
 - (a) education and training of licensees under this chapter;
 - (b) education and training of the public or other interested persons in matters concerning landscape architectural laws and practices; and
 - (c) enforcement of this chapter by:
 - (i) investigating unprofessional or unlawful conduct; and
 - (ii) providing legal representation to the division when the division takes legal action against a person engaging in unprofessional or unlawful conduct.
- (5) If the balance in the fund exceeds \$100,000 at the close of any fiscal year, the excess shall be transferred to the General Fund.
- (6) The division shall report annually to the appropriate appropriations subcommittee of the Legislature concerning the fund.

Amended by Chapter 400, 2013 General Session